Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at http://about.jstor.org/participate-jstor/individuals/early-journal-content.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

EVIDENCE—ACCOMPLICE—SEPARATE CRIMES. — Defendant was indicted for the crime of receiving stolen property. Defendant asked for an instruction at the trial that the testimony of the thief should be treated with caution, on the ground that the uncorroborated testimony of an accomplice is entitled to diminished credibility. *Held,* that the instruction was properly refused since the two crimes were distinct—the witness could not be indicted for the same crime that defendant was indicted for. *Bailey* v. *State* (Fla., 1918), 79 So. 748.

While most courts seem agreed that the testimony of an accomplice should be treated with suspicion if uncorroborated, they are not all agreed in the definition of 'accomplice'—especially where the act committed by the witness falls into a separate class of crime. The principal case, however, is with the weight of authority. A purchaser of liquor sold in violation of the law is not an accomplice of the seller. *Terry* v. *State,* 44 Tex. Crim. Rep. 411 (nor can he be convicted as an acessory), *Lott* v. *U. S.* 205 Fed. 28; the perjurer is not an accomplice of the suborner, *Stone* v. *State,* 118 Ga. 705, 98 Am. St. Rep. 145; the donor or offeror of a bribe is not the accomplice of the receiver, *State* v. *Durham,* 73 Minn. 150; *State* v. *Wappenstein,* 67 Wash. 502—*Contra, Ruffin* v *State,* 36 Tex. Crim. Rep. 565; the participants in an unlawful game of cards are not accomplices to one another where each could be convicted of the individual crime, *Com.* v. *Bossie,* 100 Ky. 151; nor is the purchaser of a lottery ticket the accomplice of the seller, *Boyd* v. *Com.,* 141 Ky. 247. In *State* v. *Kuhlman,* 152 Mo. 100 it was held, as in the principal case, that the thief is not the accomplice of the one who receives stolen goods. But in *People* v. *Coffey,* 161 Cal. 433, the strongest of the *contra* cases, it was held that the offeror of a bribe is the accomplice of the acceptor on the reasoning that an accomplice is "anyone concerned in the commission of a crime". The adherence to this broad definition renders it unnecessary to consider whether the crimes are distinct. The other test is whether the witness could have been convicted for the offense as principal. As far as the reason of the thing goes it does not appear why the fact that conviction cannot be had for the same crime should have the effect of making the testimony more competent; the witness might seek immunity for the crime which he has committed as an associate just as readily as he would seek immunity for a crime which he and the defendant had committed as principals. As long as they are associates in crime it can be of no consequence that the crimes are technically separated—the argument of the prevailing opinion is mathematical but hardly meritorious. It can be condoned only on the ground that there is some existing tendency to do away with this rule of corroboration of the testimony of accomplices. WIGMORE, Sec. 2057.

EVIDENCE—ADMISSIBILITY—UNLAWFUL SEARCH OR SEIZURE.—While travelling on a public highway defendant was stopped by a deputy sheriff who searched his automobile and took therefrom certain intoxicating liquors. The sheriff had no search warrant but had with him a copy of the state law which gave to the sheriff the right of search without a search warrant where he had probable cause to suspect that intoxicating liquors were being trans-